
Peter Oldham KC

Peter is a well-known practitioner advising and litigating in public, local government, education, employment, procurement and state aid law, and has always appeared as a leading silk in the directories. He also conducts investigations and expert determinations. He is Legal 500's Government and Third Sector Silk of the Year 2022.

Peter regularly advises and appears in the cutting edge cases in his fields. Recent local authority litigation includes **R (City of Wolverhampton and six other LAs) v Home Secretary** (LA challenge to Home Office's asylum dispersal policy, July 2022), **R (AB) v Slough BC** (challenge to closure of LA day centre for disabled adults, July 2022), **R (RhAG) v Neath Port Talbot CBC** (Welsh language and school reorganisation, Oct 2022), **R (YA) v Swansea Independent Appeal Panel** (school exclusions, Feb 2022), **R (KD) v Leicestershire CC** (school transport, disability and human rights, July 2021), **R (Herts CC and others) v SoS for DHCLG** (lawfulness of remote LA meetings, May 2021), **R (MI) v Waltham Forest BC** (cuts to SENs budgets, July 2020), **SFM Ltd v Christ the King College and Isle of Wight Council** (lawfulness of maintained school leases and borrowing, May 2020), **R (LF) v Bucks CC** (reorganisation of children's centres, July 2019) and **R (Fire Authorities) v Home Secretary** (fire authority reorganisation and police and crime commissioners, July 2019), **R (Various Fire Authorities) v Home Secretary** (police and crime commissioners, July 2019), **Nat Union of Professional Foster Carers v Certification Officer** (foster carers, union recognition and human rights, EAT, July 2019), **Jones v Swansea CC** (teachers' SEN allowances, May 2019), **R (Britwell PC) v Slough BC** (abolition of parishes, April 2019), **R (Wycombe DC) v SoS** (unitary LA reorganisation, Mar 2019), **R (RB) v Neath Port Talbot CBC** (school closure and Well-Being of Future Generations (Wales) Act 2015, March 2019), **R (RD) v Worcestershire CC** (reorganisation of early years provision, Feb 2019), **Addison Lee v Gascoigne** (gig economy, Mar 2019), **Marston Hldgs v Ministry of Justice** (procurement claim, Nov 2018), **R (KE) v Bristol CC** (LA budgets, Aug 2018), **R (WX) v Northants CC** (libraries and children's centres, Aug 2018), **R (Labour Party) v SoS** (lawfulness of election rules, Apr 2018).



Professional Summary

Called 1990
Appointed KC 2010

Contact Details

Peter.Oldham@11kbw.com
+44 (0)20 7632 8500
Clerk Michael Smith
Clerk Thomas Belcher
Clerk Jake Foote
[Contact Clerks](#)

Specialisms

Local Authority

Peter has decades of experience advising and litigating in the field of local authority law. Recent litigation includes:

Recent litigation includes:

R (RhAG) v Neath Port Talbot CBC – Welsh language and school reorganisation, Oct 2022

R (City of Wolverhampton and six other LAs) v Home Secretary – LA challenge to Home Office's asylum dispersal policy, July 2022

R (AB) v Slough BC – challenge to closure of LA day centre for disabled adults, July 2022

R (YA) v Swansea Independent Appeal Panel – school exclusions, Feb 2022

R (KD) v Leicestershire CC – school transport cuts, disability and human rights, July 2021

R (MI) v Waltham Forest BC – cuts to SEN budgets, July 2020

SFM v Christ the King College and Isle of Wight Council – bar on maintained school borrowing as a defence to a private law claim, May 2020

R (KD) v Leicestershire CC – school transport, disability and human rights, April 2020

R (A FE College) v OFSTED – challenge to OFSTED report, Feb 2020

R (Various Fire Authorities) v Home Secretary – fire authorities and police and crime commissioners, July 2019

Nat Union of Professional Foster Carers v Certification Officer, Local Government Association intervening – foster carers, union recognition and human rights, July 2019

R (LF) v Bucks CC – reorganisation of children’s centres, July 2019

Jones v Swansea CC – teachers’ SEN allowances, May 2019

R (Britwell PC) v Slough BC – abolition of parishes, April 2019

R (Wycombe DC) v SoS – unitary LA reorganisation, Mar 2019

R (RB) v Neath Port Talbot CBC – school closure and Well-Being of Future Generations (Wales) Act 2015, March 2019

R (RD) v Worcestershire CC – reorganisation of early years provision, Feb 2019

R (Mid Ulster DC) v Dept for Communities – rates and rates support grant, Sept 2018

R (KE) v Bristol CC – LA budgets, Aug 2018

R (WX) v Northants CC – libraries and children’s centres, Aug 2018

R (Glasgow CC) v SoS for Health – ordinary residence dispute, May 2018

R (Labour Party) v SoS – lawfulness of election rules, Apr 2018

R (Jones) v Wigan BC – local authority by-election, Feb 2018

R (Hussain) v Sandwell MBC – conduct allegations against members, 2017

Peter has recently advised on matters including:

- Numerous challenges to cuts and closures
- Powers, including the general power of competence
- Budgets
- Budget crises and s 114 of the LGFA 1988
- Local government reorganisation and the LGPIHA 2007
- Vires and general power of competence
- Best value
- Prudential borrowing, accounts and the CIPFA code
- Education issues (please see separate Education webpage for full details)
- Rating
- Social services and community care
- Museums
- Local government ombudsman
- Staffing, including Chief Officers’ statutory rights and JNC terms of employment
- LGPS issues (complaints, shortfalls, Pensions Ombudsman, termination rights, admission bodies etc)
- Bias and conduct of meetings

- Data protection and freedom of information
- Health powers
- Audit and accounts
- Investment and borrowing powers
- Highways
- Waste collection, disposal and recycling
- Assets of community value
- Elections
- Trading and commercial initiatives
- Inter-authority care/health disputes and ordinary residence
- Bus services and transport
- Regeneration projects, including state aid and procurement (please see separate Procurement & State Aid page)
- Section 123 of the LGA 1972 and sales at an undervalue
- Assets of community value
- Members' standards and the Localism Act 2011
- Indemnities for officers and members
- Political balance
- Termination of employment of chief officers
- Parking regulation
- Operation of joint authorities
- Operation of combined authorities

Education

Peter has a particular specialism in education law and he has continuously been in the very highest rank in the education directories for over twenty years. His work covers all aspects of education, whether in schools, academies, universities, colleges, professional and vocational settings, specialist settings, the independent sector, etc.

His recent education litigation includes:-

R (Rhieni dros Addysg Gymraeg) v Neath Port Talbot CBC – Welsh language and school reorganisation, Oct 2022

R (YA) v Swansea Independent Appeal Panel – school exclusions, Feb 2022

R (KD) v Leicestershire CC – school transport cuts, disability and human rights, July 2021

R (MI) v Waltham Forest BC – cuts to SEN budgets, July 2020

SFM v Christ the King College and Isle of Wight Council – bar on maintained school borrowing as a defence to a private law claim, May 2020

R (A FE College) v OFSTED – challenge to OFSTED report, Feb 2020

R (LF) v Bucks CC – early years provision and children's centres, July 2019

R (RD) v Worcs CC – early years provision and special needs, April 2019

Jones v Swansea CC – entitlement to SEN allowances, April 2019

R (RB) v Neath Port Talbot CBC – school closure and Well-Being of Future Generations (Wales) Act 2015, March 2019

Hillingdon LBC v Sharpling – choice of placement for young person with SENs, Sept 2018

R (KE) v Bristol CC – school budgets, Aug 2018

R (WX) v Northants CC – children’s centres, Aug 2018

Rees and others v Swansea City Council – SEN allowances and home tutors, May 2018

R (X School) v OFSTED – interim injunction to restrain publication of OFSTED report; validity of OFSTED’s approach to sex discrimination, 2017

Peter has recently advised on the following amongst other issues:

- Various academy issues, including transfer of property on academisation
- The impact of increased energy costs on school budgets
- Numerous OFSTED challenges in different educational settings
- School closures
- School transport cuts
- Welsh language rights and duties in education, and the Welsh Language Tribunal
- Special educational needs and disability
- Teachers’ pensions
- Disputes over maintained school borrowing
- School photocopier lease disputes
- School and university staffing disputes
- Religious, disability and sex discrimination in schools
- Consumer Rights Act 2015, universities and independent schools
- The operation of statutory and private law trusts for voluntary schools
- Independent schools, discipline and contracts of education
- School transport
- University staffing disputes
- University governance and statutes
- Universities, sexual harassment and discipline
- Students’ claims against universities (private and public law)
- Students unions
- FE colleges
- Foundation trustees’ powers and duties
- Charity Commission issues
- DfE and withdrawal of funding
- Regulation of examination and awarding bodies
- Admissions
- Exclusions
- Boarding and fee charging
- Constitution of governing bodies

Public

Peter advises and litigates across the range of public law. Apart from his very extensive work with local authorities (details on Peter’s separate local authority webpage), his cases include disputes involving central government departments and agencies, police authorities, fire authorities, combined authorities, health bodies, CQC, medical bodies, ombudsmen (local government, pensions), election matters, trade regulators, and education and examination regulators (e.g. OFSTED, ISI, OfS, OIAHE, QAA , and JCQ)– details on Peter’s separate education webpage).

Recent public authority litigation includes:

R (RhAG) v Neath Port Talbot CBC – Welsh language and school reorganisation, Oct 2022

R (City of Wolverhampton and six other LAs) v Home Secretary – LA challenge to Home Office’s asylum dispersal policy, July 2022

R (AB) v Slough BC – challenge to closure of LA day centre for disabled adults, July 2022

R (YA) v Swansea Independent Appeal Panel – school exclusions, Feb 2022

R (KD) v Leicestershire CC – school transport cuts, disability and human rights, July 2021

R (MI) v Waltham Forest BC – cuts to SEN budgets, July 2020

SFM v Christ the King College and Isle of Wight Council – bar on maintained school borrowing as a defence to a private law claim, May 2020

R (KD) v Leicestershire CC – school transport, disability and human rights, April 2020

R (A FE College) v OFSTED – challenge to OFSTED report, Feb 2020

R (Various Fire Authorities) v Home Secretary – fire authorities and police and crime commissioners, July 2019

Nat Union of Professional Foster Carers v Certification Officer, Local Government Association intervening – foster carers, union recognition and human rights, July 2019

R (LF) v Bucks CC – reorganisation of children’s centres, July 2019

Jones v Swansea CC – teachers’ SEN allowances, May 2019

R (Britwell PC) v Slough BC – abolition of parishes, April 2019

R (Wycombe DC) v SoS – unitary LA reorganisation, Mar 2019

R (RB) v Neath Port Talbot CBC – school closure and Well-Being of Future Generations (Wales) Act 2015, March 2019

R (RD) v Worcestershire CC – reorganisation of early years provision, Feb 2019

R (Mid Ulster DC) v Dept for Communities – rates and rates support grant, Sept 2018

R (KE) v Bristol CC – LA budgets, Aug 2018

R (WX) v Northants CC – libraries and children’s centres, Aug 2018

R (Glasgow CC) v SoS for Health – ordinary residence dispute, May 2018

R (Labour Party) v SoS – lawfulness of election rules, Apr 2018

R (Jones) v Wigan BC – local authority by-election, Feb 2018

R (Hussain) v Sandwell MBC – conduct allegations against members, 2017

Peter has recently advised on matters including:

- Fire authorities
- Election issues
- Numerous JR challenges to medical bodies
- The conduct of business by a statutory trade regulator
- Numerous challenges to education regulator decisions about provider quality

For local authorities, Peter has recently advised on matters including:

- Numerous challenges to cuts and closures

- Powers, including the general power of competence
- Budgets
- Budget crises and s 114 of the LGFA 1988
- Local government reorganisation and the LGPIHA 2007
- Vires and general power of competence
- Best value
- Prudential borrowing, accounts and the CIPFA code
- Education issues (please see separate Education webpage for full details)
- Rating
- Social services and community care
- Museums
- Local government ombudsman
- Staffing, including Chief Officers' statutory rights and JNC terms of employment
- LGPS issues (complaints, shortfalls, Pensions Ombudsman, termination rights, admission bodies etc)
- Bias and conduct of meetings
- Data protection and freedom of information
- Health powers
- Audit and accounts
- Investment and borrowing powers
- Highways
- Waste collection, disposal and recycling
- Assets of community value
- Elections
- Trading and commercial initiatives
- Inter-authority care/health disputes and ordinary residence
- Bus services and transport
- Regeneration projects, including state aid and procurement (please see separate Procurement & State Aid page)
- Section 123 of the LGA 1972 and sales at an undervalue
- Assets of community value
- Members' standards and the Localism Act 2011
- Indemnities for officers and members
- Political balance
- Termination of employment of chief officers
- Parking regulation
- Operation of joint authorities
- Operation of combined authorities

Employment

Peter advises and litigates across the employment field, with a particular strength in public sector employment.

Peter advises on all employment issues, including:

- Unfair dismissal including mass dismissals
- Discrimination
- Redundancy and protective awards
- Pension rights, including Pension Ombudsman issues and appeals
- TUPE
- Whistleblowing

- Rights of local authority chief officers under the Local Authorities (Standing Orders) Regulations 2001, and JNC Chief Executive and Chief Officer terms
- Gig economy rights
- Flexible working rights
- Industrial action and injunctions
- Union rights, certification etc
- Trafficked workers' rights
- Whistleblowing
- Crown employment

Procurement & State Aid

Peter regularly advises and litigates in this area. Recent advisory work includes:

- Cases involving automatic stay/lifting of the stay
- Procurement of IT management contract for very large public organisation
- Procurement of mutual insurance services
- PCR reg 72 and variations
- PCR reg 12 (Teckal)
- Various framework contract issues
- Airport aid
- Local authority guarantees for innovative renewables project
- Numerous regeneration projects, involving procurement and state aid issues
- Sale of fire station sites by a fire authority
- Disposal of land at an undervalue for recreational and cultural purposes
- Reorganisation of waste disposal contracts in a county council
- Setting up a university research project
- Procurement of a telephony services by a police force
- Development of a large site for solar energy supply
- Procurement of services for national sporting event
- Procurement of a sports centre

Investigations

Peter has a particular expertise in conducting often highly sensitive and sometimes high profile investigations and determinations:

- Investigation into the working of Welsh legislation for discipline of senior local government officers
- An investigation into a local authority's failed investment worth tens of millions of pounds
- Expert determination under NHS standard terms of a dispute between CCG and provider
- Investigation into whistleblowing complaint against a local authority Chief Officer
- Investigation into possible financial fraud at FE college
- Investigation into the suicide of a school teacher
- Investigation of bullying of staff at a school

Recommendations

"A super advocate and tactician, who presents winning arguments and quickly turns advice around."
Legal 500

"Couples a preternatural understanding of the law with an extremely affable demeanour." Legal 500

"He continues to impress as a leader in his field and is remarkably approachable." Chambers and Partners

“Incredibly client focused, understanding the challenges that face local authorities whilst at the same time providing very sound legal advice at pace.” Legal 500

“He’s extremely easy to deal with and very pragmatic.” Chambers and Partners

“Very good on his feet; very good with difficult opponents; universally admired by his clients.” Legal 500

‘Peter is calm, approachable and thorough and gives pragmatic, practical advice.’ Legal 500

“His advice is clear, persuasive and authoritative.” Chambers & Partners

“He has formidable legal knowledge, and can translate that knowledge into practical and strategic advice.” Chambers & Partners

“Down to earth and willing to put himself in his client’s shoes.” Legal 500

“A fantastic advocate.” Chambers and Partners

“A superb tactician, who cuts through complex problems and identifies winning solutions.” Legal 500

“He exudes confidence with sound and pragmatic advice.” Legal 500

“Head and shoulders above the rest.” Legal 500

“He provides practical and pragmatic advice and real world solutions.” Chambers and Partners

“He has a brilliant intellect and an encyclopaedic knowledge of complex education legislation.” Chambers & Partners

“A very good advocate who is very experienced in local government matters.” Chambers & Partners

“He is really good in cases involving novel points of the law and is excellent with clients. He’s wonderfully softly spoken, unbelievably bright and very responsive.” Chambers & Partners

“He has a calm confidence, is excellent with clients and has the ability to quickly identify the key issues in a case.” Chambers & Partners

“He’s quick at turning advice around and is always very thorough.” Chambers & Partners

“His strengths include his intellect, analysis and expertise, and his approachability.” Legal 500

“He handles things very well, is very responsive, has a fine academic brain, and is always willing to listen to clients and meet their needs.” Chambers and Partners

Education

MA History, first class, University of Cambridge

Diploma in Law, distinction, first in year

Other

Peter worked in banking for a number of years before studying law and becoming a barrister.

ADDRESS 

11KBW
11 King's Bench Walk
Temple
London
EC4Y 7EQ

CONTACT US 

T +44 (0)20 7632 8500

OUT OF HOURS CLERK

T +44 (0)7824 365 991

EMAIL 

clerksroom@11kbw.com
